

TITLE 2
ADMINISTRATION; AUTHORIZATIONS

SUBTITLE 1. GENERAL ADMINISTRATION

PART I. OVERVIEW

§ 2-101. Administrative entities.

The administration of this article is vested in the following:

- (1) the Office of Zoning Administrator;
- (2) the Board of Municipal and Zoning Appeals; and
- (3) the Planning Commission.

§ 2-102. {Reserved}

PART II. ZONING ADMINISTRATOR

§ 2-103. Office established.

(a) *In general.*

The Office of Zoning Administrator is established.

(b) *Executive head.*

The Zoning Administrator is the executive head of the Office, in accordance with classified Civil Service procedures and requirements.

§ 2-104. Employees.

Employees of the Zoning Administrator may be appointed as authorized by the Ordinance of Estimates.

§ 2-105. Duties.

(a) *In general.*

The Zoning Administrator administers and enforces this article.

(b) *Specific duties.*

In addition to and in furtherance of that responsibility, the Zoning Administrator has the duty to:

- (1) issue zoning authorizations, use permits, and transfer certificates;
- (2) initiate inspections of structures and uses of land to determine compliance with this article

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- and, where there are violations, initiate action to secure compliance;
- (3) maintain permanent records of this article and of all actions taken under it, including:
 - (i) all maps adopted under this article;
 - (ii) all amendments to this article and to the maps adopted under it;
 - (iii) the rules of practice and procedure of the Board;
 - (iv) applications for and issuances of zoning authorizations, use permits, and transfer certificates;
 - (v) applications for and approvals of conditional uses and variances; and
 - (vi) appeals taken under this article;
 - (4) record district amendments and planned unit developments on the zoning maps;
 - (5) maintain all records from the administration of the zoning law since its enactment by Ordinance 31-1247;
 - (6) provide and maintain a public information service on matters arising out of this article;
 - (7) receive, file, and forward to the Board applications for conditional uses, variances, appeals, and other matters on which the Board is required to act;
 - (8) maintain copies of the Board's determinations on conditional uses, variances, appeals, and other matters on which the Board is required to act;
 - (9) determine use, lot, and bulk regulations in specific instances, as authorized by this article;
 - (10) issue permits for additional industrial uses in an M-2 District;
 - (11) from time to time, initiate a study of this article and report his or her recommendations to the City Council, the Board, the Commissioner of Housing and Community Development, and the Planning Commission;
 - (12) periodically provide for publication of this article; and
 - (13) perform all other duties imposed on the Zoning Administrator by this article.

§§ 2-106 to 2-108. {Reserved}

PART III. BOARD OF MUNICIPAL AND ZONING APPEALS

§ 2-109. Board established.

There is a Board of Municipal and Zoning Appeals, as established in Article VII, §§ 81 and 82 of the City Charter.

§ 2-110. Jurisdiction and authority — in general.

The Board has the jurisdiction and authority to:

- (1) hear and decide, in the manner prescribed by and subject to the standards established in this article, applications for conditional uses and variances;
- (2) hear and decide appeals from any order, requirement, decision, or determination of the Zoning Administrator under this article;
- (3) hear and decide all matters referred to it or on which it is required to act under this article; and
- (4) review all proposed amendments to this article and report its findings and recommendations to the City Council.

§ 2-111. Jurisdiction and authority — rules and regulations.

(a) *In general.*

The Board may adopt rules and regulations:

- (1) for the conduct of its proceedings; and
- (2) as otherwise directed or authorized in this article.

(b) *Filing.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they may take effect.

§ 2-112. Copies to Administrator.

The Board must provide the Zoning Administrator with copies of all matters acted on by the Board, including:

- (1) all orders, requirements, decisions, determinations, rules, and regulations; and
- (2) all other information necessary for the proper administration and enforcement of this article.

§ 2-113. Meetings.

(a) *When held.*

Meetings of the Board are held at the call of the chair and at any other time that the Board determines by general rule.

(b) *Minutes.*

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The Board must keep minutes of all its proceedings, indicating:

- (1) the members present; and
- (2) on each question, how each member voted or that the member was absent or failed to vote.

§ 2-114. Public hearings.

(a) Scheduling, notices, decision.

The Board must:

- (1) fix a reasonable time and place for the public hearing of an application, appeal, or other matter;
- (2) give notice of the hearing to the parties in interest;
- (3) give public notice of the hearing; and
- (4) decide the matter within a reasonable time after the hearing.

(b) Oaths and witnesses.

The chair or acting chair of the Board may administer oaths and compel the attendance of witnesses.

(c) Attendance by parties.

At the hearing, any party may:

- (1) appear in person, by agent, or attorney; and
- (2) testify as to any material facts.

(d) Hearings to be public.

All hearings of the Board must be open to the public.

§ 2-115. Voting.

The number of votes specified in State Code Article 66B is required for the Board to:

- (1) reverse any order, requirement, decision, or determination of the Zoning Administrator; or
- (2) decide in favor of the applicant on any matter on which it is required to pass under this article.

§ 2-116. Public records.

The Board's rules and regulations, the minutes of its proceedings, and all other records of the Board

must be kept at the office of the Board as public records.

§§ 2-117 to 2-119. {Reserved}

PART IV. PLANNING COMMISSION

§ 2-120. Commission established.

There is a Planning Commission, as established by Article VII, §§ 70 and 71 of the City Charter.

§ 2-121. Jurisdiction and authority.

The Planning Commission has the jurisdiction and authority to:

- (1) on request, provide for informational conferences with any applicant before the introduction of a bill relating to a conditional use or change in zoning district;
- (2) review all proposed amendments to this article and report its findings and recommendations to the City Council;
- (3) with respect to all City Council bills proposing an adult-entertainment business as a conditional use:
 - (i) investigate the distance between the proposed use and existing adult-entertainment businesses in the area, to determine if a negative impact on the community will result;
 - (ii) consider the relationship of the proposed use to residences, educational institutions (including colleges and universities), and religious institutions within 300 feet, and determine that the adult use will not impair public safety or the general welfare;
 - (iii) review the written application and all attached documents; and
 - (iv) promptly submit its findings to the City Council; and
- (4) review each recycling collection station annually and forward a written report of this review to the Board.

§ 2-122. Copies to Board and Administrator.

The Planning Commission must provide the Board and the Zoning Administrator with copies of:

- (1) all amendments to the Master Plan; and
- (2) all other information necessary for the proper administration and enforcement of this article.

§ 2-123. Front lot line by streets.

For purposes of establishing front lot lines, as part of the process of subdivision or planned unit development approval, the Planning Commission may reduce the required width of the right-of-way of a local residential street by up to 10 feet.

SUBTITLE 2. ZONING DISTRICTS; MAPS AND PROFILES

§ 2-201. Establishment of districts.

(a) *In general.*

In order to carry out the purposes of this article, Baltimore City is divided into zoning districts, as listed in this section and located on the zoning maps, flood plain overlay maps, and flood profiles adopted under this article.

(b) *Residence Districts.*

- R-1 Single-Family Residence District
- R-1A Single-Family Residence District
- R-1B Single-Family Residence District
- R-2 General Residence District
- R-3 Single-Family Residence District
- R-4 General Residence District
- R-5 General Residence District
- R-6 General Residence District
- R-7 General Residence District
- R-8 General Residence District
- R-9 General Residence District
- R-10 General Residence District

(c) *Office-Residence District.*

- O-R Office-Residence District

(d) *Business Districts.*

- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 Community Commercial District
- B-4 Central Business District
- B-5 Central Commercial District

(e) *Industrial Districts.*

- M-1 Industrial District
- M-2 Industrial District
- M-3 Industrial District

(f) *Public Use Overlay Districts.*

Suffix “P” added to existing zoning classification

(g) *Flood Plain Overlay Districts.*

- F1 Floodway

F2	Floodway Fringe
F3	Approximated Flood Plain
HFZ	Harbor Flood Zone
SFZ	Shallow Flood Zone
CHZ	Coastal Hazard Zone

(h) *Critical Area Overlay District.*

Resource Conservation Area
Waterfront Revitalization Area
Waterfront Industrial Area

§ 2-202. Maps and profiles made part of article.

(a) *In general.*

The zoning maps, flood plain overlay maps, and flood profiles adopted under this article are incorporated in and made a part of this article as fully as if they were set forth and described in this article.

(b) *Evidence of authenticity.*

As evidence of the authenticity of these maps and profiles, each is to be signed by the Mayor and by the President of the City Council.

§ 2-203. Letter or letter-number designations.

The use on a zoning map of a letter or a letter-number combination to designate a district indicates that the regulations applying to that district extend throughout the whole area bounded by the district boundary lines, as determined by the provisions of § 2-204 {"Determining boundary lines"} of this subtitle.

§ 2-204. Determining boundary lines.

(a) *In general.*

The precise location of a district boundary line is determined as specified in this section.

(b) *Along streets, alleys, streams, etc.*

Where a district boundary line is shown as being within or binding along a street, alley, other public or private way, or an extension of any of them, or as being within or along a non-navigable stream, the boundary is the center line of that street, alley, other way, extension, or stream.

(c) *On lot lines.*

Where a district boundary line is shown as binding along or superimposed on a lot line, the boundary is that lot line.

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(d) *Designated distances.*

Where the location of a district boundary line is indicated by a designated number of feet, that distance controls.

(e) *Along railroad rights-of-way.*

Where a district boundary line is shown as being within or binding along a railroad right-of-way, the boundary line of that railroad right-of-way controls.

(f) *Along navigable waters.*

(1) Where a district boundary line is shown as binding along navigable water and is not otherwise fixed, the boundary is:

(i) the line that coincides with the pierhead line; or

(ii) where no pierhead line has been established, the line that coincides with the mean low tide line.

(2) Unless otherwise indicated on the zoning map, submerged land that is later reclaimed is in the same district as the non-submerged premises to which the reclaimed land is contiguous.

(g) *Others.*

Where a district boundary line is shown and its location is not fixed by any of the rules of this section, its precise location is determined by scaling from fixtures, objects, or other structures shown on the maps.

SUBTITLE 3. ZONING AUTHORIZATIONS

§ 2-301. Authorization required.

(a) In general.

No license or other permit pertaining to the use of land or structures may be issued by any officer, department, or employee of the City unless:

- (1) the application for that license or permit has been examined by the Office of the Zoning Administrator; and
- (2) has affixed to it the authorization of the Zoning Administrator, indicating that the proposed structure or use complies with all the provisions of this article.

(b) When no other permit required.

If no license or other permit is otherwise required for the use of land, this zoning authorization constitutes the permit to so use the land.

§ 2-302. Plot plan.

The application for a zoning authorization must be accompanied by a plot plan that:

- (1) is drawn to scale and fully dimensioned;
- (2) indicates the parcel of land, lot, and block, or the relevant portions of them; and
- (3) shows:
 - (i) the ground area, height, and bulk of the structure;
 - (ii) the structure in relation to the lot lines;
 - (iii) the use to be made of the structure or land; and
 - (iv) any other information that the Zoning Administrator requires for the proper administration and enforcement of this article.

§ 2-303. Employee-based parking requirements.

If a structure or use is one for which this article requires off-street parking on a ratio to the number of employees, the application must specify the number of employees on which the parking requirement is calculated.

§ 2-304. Compliance with performance standards.

(a) Certification by engineer required.

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If a structure or use is one that is required to comply with the performance standards in Title 12 {“Performance Standards”} of this article, the application must have affixed on it a certification of compliance from a professional engineer licensed to practice in the State of Maryland.

(b) *Scope and contents of certification.*

The certification must:

- (1) certify that the structure and the proposed use comply with all applicable performance standards of the district in which the structure is to be located; and
- (2) contain enough information and detail to enable the Zoning Administrator to determine that the proposed structure and use can and will be in compliance with the applicable performance standards.

(c) *Examination and decision of Administrator.*

(1) Within 30 days of submission of a completed application, the Zoning Administrator must:

- (i) undertake a technical examination of the application and certificate;
- (ii) approve or disapprove the application; and
- (iii) advise the engineer in writing whether the structure or use does or does not comply with the performance standards.

(2) In undertaking the examination required by this subsection, the Zoning Administrator may obtain technical assistance from other City agencies or from private engineering consultants, as necessary or appropriate.

§ 2-305. Noncomplying permits void.

Any building permit, occupancy permit, or other license or permit issued in conflict with the requirements of this article is void.

SUBTITLE 4. USE PERMITS

§ 2-401. Nature of permit.

A use permit is a document issued by the Zoning Administrator for a structure or land that states that the use or occupancy of the structure or land:

- (1) complies with the provisions of this article; and
- (2) is the authorized use for that structure or land.

§ 2-402. Use permit required.

A use permit is required before any person may:

- (1) occupy any newly-constructed structure or any addition to a previously-constructed structure;
- (2) use for any purpose any previously-vacant land; or
- (3) make any change in the authorized use of any land or structure.

§ 2-403. Application for permit.

(a) How made.

- (1) Every application for a building permit constitutes an application for a use permit as well, but approval of one does not constitute approval of the other.
- (2) For a new use of a structure or land for which no building permit is required, the application for a use permit must be made to the Zoning Administrator.

(b) Required information.

The application must be accompanied by:

- (1) unless one already is on file, a plot plan that complies with and contains the information specified in § 2-302 of this title for zoning authorizations; or
- (2) in the discretion of the Zoning Administrator, whatever other written information the Zoning Administrator requires to enable her or him to act on the application.

§ 2-404. Pending construction.

(a) Permit not issued until construction complete.

For any structure or addition to a structure for which a use permit is required under § 2-402(1) of this subtitle, the use permit may not be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans

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and specifications on which the zoning authorization was based.

(b) *Temporary permit.*

Pending issuance of a permanent use permit, a temporary permit may be issued during the completion of any addition or during partial occupancy of the premises. A temporary permit may not be issued, however, for a period of more than 6 months.

§ 2-405. Final action by Administrator.

Within 15 days after receiving an application for a use permit or after the Zoning Administrator is notified in writing that the premises is ready for occupancy, the Zoning Administrator must issue the permit or notify the applicant in writing why a permit cannot be issued.

SUBTITLE 5. TRANSFER CERTIFICATES

§ 2-501. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Agreement of sale.*

(1) *In general.*

“Agreement of sale” means any agreement or written instrument that provides for the transfer of title to any property from one person to another.

(2) *Inclusions.*

“Agreement of sale” includes any:

- (i) land installment contract;
- (ii) conditional contract of sale;
- (iii) lease with an option to purchase;
- (iv) lease by which the lessee may acquire title after a stipulated number of payments or after a stipulated period of time; or
- (v) similar written instrument.

§ 2-502. Nature of certificate.

(a) *In general.*

A transfer certificate is a document issued by the Zoning Administrator that states whether the property complies with the use and density regulations of the district in which it is located.

(b) *Basis.*

In issuing a transfer certificate, the Zoning Administrator must consider:

- (1) the use specified in the application submitted for the certificate; and
- (2) the information contained in the Administrator’s official records.

§ 2-503. Transfer certificate required.

Except as specified in § 2-506 {“Exceptions”} of this subtitle, every person who, for a monetary

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consideration, sells or conveys an interest in or right to real property located in the City must:

- (1) obtain a transfer certificate as provided in this subtitle; and
- (2) provide it to the transferee, as follows:
 - (i) for a transaction involving an agreement of sale of a type specified in §2-501(b)(2) of this subtitle, by attaching the certificate to the agreement of sale at the time that or within 15 days after the agreement of sale is executed; and
 - (ii) for all other transactions, by attaching it to the instrument of conveyance at or before settlement.

§ 2-504. Application for certificate.

(a) In general.

- (1) A transfer certificate may be obtained from the Zoning Administrator, on application and payment of a \$45 fee for each certificate requested.
- (2) A separate application must be made for each individual lot or parcel of property.

(b) Information required.

Each application must contain the following information:

- (1) a description or definite street location of the property, as the Zoning Administrator requires;
- (2) the name and address of the present owner of the property;
- (3) the existing use of the property; and
- (4) if the property is restricted by this article to use and occupancy as a single-family dwelling, a statement to that effect.

§ 2-505. Effect of noncompliance.

(a) Not subject to general penalties.

A person who fails to comply with this subtitle is not subject to the provisions of Title 17 {"Enforcement and penalties"} of this article.

(b) Presumptive warranty.

However, any person who fails to comply with this subtitle, with or without the approval or consent of the transferee, is conclusively presumed to have represented and warranted that the property involved in the transaction is being used in compliance with this article at and

immediately preceding the time the agreement of sale or instrument of conveyance is executed.

§ 2-506. Exceptions.

This subtitle does not require a transfer certificate for the sale or conveyance of any interest in or right to real property that:

- (1) is being used exclusively as a single- or 2-family dwelling; or
- (2) is owned by and being used exclusively for the immediate purposes of a bona fide and regularly operating church or religious organization.

§ 2-507. City immune from liability.

Neither the Mayor and City Council of Baltimore, the Zoning Administrator, nor any of their officers, agents, or employees may be held liable to any person, under any circumstances, in connection with or resulting from the issuance of any transfer certificate or in connection with or resulting from any information or statement contained in any transfer certificate.

SUBTITLE 6. PERMIT TIME LIMITATIONS

PART I. TIME REQUIRED TO EXERCISE

§ 2-601. Scope of Part.

This Part I applies to any permit or other authorization that has been approved under this article, whether by:

- (1) the Zoning Administrator;
- (2) the Board;
- (3) the Mayor and City Council;
- (4) any municipal agency; or
- (5) any court of competent jurisdiction.

§ 2-602. Exercise within 12 months required.

Whenever an application for a permit or other authorization is approved, the applicant must obtain the permit or authorization and exercise the privilege granted by it:

- (1) within 12 months of the final action that validated the permit or authorization; or
- (2) for a permit or other authorization approved by an ordinance of the Mayor and City Council, within 12 months of the date the ordinance was enacted.

§ 2-603. Lapse on failure to exercise.

Unless extended under § 2-604 of this subtitle, if a permit or other authorization is not exercised within the time specified in § 2-602 of this subtitle, the permit or authorization automatically lapses and is void.

§ 2-604. Extensions by Board.

(a) *In general.*

On a written showing by the applicant of reasonable cause, the Board may authorize 1 or more extensions of the time specified in § 2-602 of this subtitle.

(b) *Limitations.*

No one extension, however, may be granted for more than 12 months without public notice and hearing.

§§ 2-605 to 2-606. {Reserved}

PART II. REAPPLICATION WAITING PERIOD

§ 2-607. Same proposal for same premises.

If the Board has disapproved an application for a permit or other authorization, the Board may not take action on any later application for substantially the same proposal on the same premises until at least 12 months after the date of the Board's decision or, if that decision was appealed to court, the date of the court's decision.

§ 2-608. Different proposal for same premises.

If an application or appeal is made to the Board that involves the same premises as had been the subject matter of a proceeding before the Board during the preceding 12 months, the Board:

- (1) must provide all parties of record at the prior proceeding at least 1 week's notice, by first class mail, of the hearing in the current matter;
- (2) may notify all other persons that the Board knows were interested in the prior proceeding; and
- (3) must furnish the applicant with a list of the persons so notified.